

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

MARGUERITE CARRUBBA,  
Plaintiff,

VERSUS CIVIL ACTION NO: 1:07cv1238

HARRISON COUNTY, MISSISSIPPI,  
by and through its Board of  
Supervisors; HARRISON COUNTY  
SHERIFF, George Payne;  
WAYNE PAYNE; DIANE GATSON RILEY;  
STEVE CAMPBELL; RICK GATSON;  
RYAN TEEL; KARLE STOLZE;  
WILLIAMS PRIEST; JAMES A.  
GONDLES, JR; AMERICAN  
CORRECTIONAL ASSOCIATION;  
JOHN AND JANE DOES 1-3; HEALTH  
ASSURANCE, LLC AND J.L. WHITE,  
Defendants.

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DEPOSITION OF KARL STOLZE

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Taken at the offices of Dukes, Dukes,  
Keating & Faneca, 2909 13th Street,  
Sixth Floor, Gulfport, Mississippi, on  
Tuesday, September 22, 2009, beginning  
at 8:36 a.m.

REPORTED BY:

F. DUSTY BURDINE, CSR No. 1171  
Simpson Burdine & Miguez  
Post Office Box 4134  
Biloxi, Mississippi 39535  
dusty@SBMreporting.com  
(228) 388-3130

SIM

EXHIBIT

(228) 388-3130

"2"

1 A. No.

2 Q. Okay. And you pled guilty to one count  
3 of conspiracy to deprive rights under color of  
4 law; is that correct?

5 A. Yes.

6 Q. Tell me about that conspiracy. When did  
7 it start and end?

8 A. Well, according to the plea agreement,  
9 it started somewhere around August and ended in  
10 January.

11 Q. Okay. Who were the co-conspirators?  
12 Can you name them?

13 A. Just -- I don't know. Whoever was in  
14 the trial, I suppose.

15 Q. Was George Payne a part of your  
16 conspiracy?

17 A. Not that I can remember.

18 Q. Did he ever meet with you or tell you  
19 what to do?

20 A. No.

21 Q. Okay. Was it a policy of the Harrison  
22 County Jail that you knew about to abuse prisoners  
23 for sport?

24 A. No.

25 Q. When did you first meet with the -- did

1 you meet with the FBI first or just DOJ  
2 attorneys --

3 A. The attorneys.

4 Q. -- during the investigation?

5 A. I don't remember the date.

6 Q. How many times did you meet with them?

7 A. Twice.

8 Q. Did they tell you that you faced a long  
9 time in jail?

10 A. Yes.

11 Q. Were they specific, like life or just  
12 20, 30 years, or what did they actually tell you?

13 A. They were specific.

14 Q. What was that?

15 A. Life.

16 Q. So were you offered the possibility of  
17 serving life in prison if you didn't agree to this  
18 one count plea?

19 A. Yes.

20 Q. At the sentencing hearing, did the U.S.  
21 Probation Department present any testimony or  
22 documents regarding their recommendations on the  
23 sentencing?

24 A. Only to the judge.

25 Q. Okay. Was it discussed in open court in

McBay, Al-Khidhr & Seal v. Harrison County, Mississippi, by and through its Board of Supervisors, et al  
Videotaped deposition of: Morgan Lee Thompson August 14, 2009

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
Southern Division

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GARY BRICE MCBAY,	*	1:07CV1205-LG-RHW
WILLIAM DAVID SEAL,	*	1:08CV175-LG-RHW
ONLY AL-KHIDHR,	*	1:07CV1223-LG-RHW
Plaintiffs,	*	
v.	*	
HARRISON COUNTY, MISSISSIPPI	*	
BY AND THROUGH ITS BOARD OF	*	
SUPERVISORS, et al.,	*	
Defendants.	*	

ORIGINAL

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VIDEO-RECORDED DEPOSITION OF

MORGAN THOMPSON

August 14, 2009

9:39 a.m. - 11:06 a.m.

Hopewell, Virginia

REPORTED BY: Kurt D. Hruneni, CCR-VA

McBay, Al-Khidhr & Seal v. Harrison County, Mississippi, by and through its Board of Supervisors, et al  
Videotaped deposition of: Morgan Lee Thompson August 14, 2009

Page 12

1 approximately 9:44 p.m. We're now off the record.

2

3 (Discussion off the record.)

4

5 THE VIDEOGRAPHER: The time is  
6 approximately 9:47 a.m. Please note the  
7 correction to the previous two time announcements.  
8 They were a.m., not p.m.

9

10 MR. BRENDL: As far as the instruction  
11 not to answer, I'm going to instruct the witness  
12 not to answer with any incidents in the Ryan Teel  
13 incident.

14 The witness can generally answer as to  
15 events within the plea agreement, not events  
16 outside the plea agreement.

17

18 BY MR. GEWIN:

19 Q Mr. Thompson, during your employment there  
20 at the Harrison County Adult Detention Center in the  
21 booking department, was there, in fact, a policy to  
22 abuse inmates or detainees at the jail?

23 A No, sir.

24 Q During your employment in the booking  
25 department of the Harrison County Adult Detention

McBay, Al-Khidhr & Seal v. Harrison County, Mississippi, by and through its Board of Supervisors, et al  
- Videotaped deposition of: Morgan Lee Thompson August 14, 2009

Page 13

1 Center, were you aware of any conspiracy to abuse  
2 inmates?

3 A That depends on what you consider a  
4 conspiracy. I mean, Department of Justice said a  
5 conspiracy was knowing that somebody didn't write down  
6 every single little detail that happened in a report.

7 They made it sound like a -- in court, we  
8 all got together and decided we were just going to beat  
9 up everybody that came in. That's not the case.

10 But to their definition of knowing that  
11 people left out parts of reports? Yes. Yes.

12 Q During your employment at the Harrison  
13 County Adult Detention Center, did you ever use  
14 excessive force on any inmate or detainee who was being  
15 compliant and cooperative?

16 A No, sir.

17 Q Was your immediate supervisor for a period  
18 of time Rick Gaston?

19 A Yes, sir.

20 Q Did Mr. Gaston have any part of any  
21 conspiracy, that you're aware of, conspiracy to abuse  
22 inmates?

23 A As far as I was involved in it, as well.  
24 Yes. He had just as much involvement as I did. If to  
25 keep down on paperwork and everything, instead of

McBay, Al-Khidhr & Seal v. Harrison County, Mississippi, by and through its Board of Supervisors, et al  
Videotaped deposition of: Morgan Lee Thompson August 14, 2009

Page 14

1 writing a 20-page report on every sentence that  
2 somebody said, you condense it down to the important  
3 parts, the times, the dates, what happened, the  
4 important things that happened, in your report, clear,  
5 concise, and file the report.

6 You don't have to add all the frills to it.  
7 He knew we did that.

8 Q Okay. Now, aside from the issue of  
9 possibly falsifying, embellishing, condensing reports,  
10 however you want to say it, what I'm talking about are  
11 the actual conspiracy to purposely abuse or assault  
12 inmates.

13 Was Rick Gaston a part of that, if it  
14 existed?

15 A No, sir. No, sir.

16 MR. BUCHANAN: I'm going to object to the  
17 form and calling for a legal conclusion.

18 MR. CHASE: I'll object, as well.

19 MR. GEWIN: What's the specific  
20 objection? I'll correct it, if I can.

21 MR. BUCHANAN: I think, one, it's  
22 leading. And two, I think it's calling -- asking  
23 him as a layperson to make legal conclusions  
24 relative to law that he's not qualified to make.

25 MR. BRENDAL: I'm going to join in the

McBay, Al-Khidhr & Seal v. Harrison County, Mississippi, by and through its Board of Supervisors, et al  
Videotaped deposition of: Morgan Lee Thompson August 14, 2009

Page 15

1 objection.

2

3 BY MR. GEWIN:

4 Q During the plea agreement here, I noticed  
5 that on page 3 it says that you -- there's a statement  
6 made that you participated in over 100 assaults against  
7 inmates, and that you observed co-conspirators  
8 participate in over 100 additional assaults against  
9 inmates at the jail.

10 Did that really happen?

11 A Their idea of an assault was any kind of a  
12 fight. Any kind of a fight between an inmate and an  
13 officer, they considered an assault.

14 When we had discussed that number, we had  
15 sat down and they said, "How many times have you been  
16 involved in a fight, would you say?"

17 I said, "I don't know. Sometimes one a  
18 week, sometimes one every month. It just depends."

19 And they said, "Okay. Well, assuming that  
20 you got into one fight a week, that would add up to --  
21 you know, 52 weeks a year or whatever, and how many  
22 years did you work there. Okay. So this would add  
23 up" --

24 So they're assuming that every fight that  
25 we got into was an officer assault. And the fights



McBay, Al-Khidhr & Seal v. Harrison County, Mississippi, by and through its Board of Supervisors, et al  
Videotaped deposition of: Morgan Lee Thompson August 14, 2009

Page 16

1 that I have seen and weren't involved in, the things  
2 that I had responded to but were already finished by  
3 the time I got there, they considered those assaults,  
4 as well.

5 Q Were the deputy --

6 A Were there conflicts? Yes.

7 Q Were the deputies at that time armed with  
8 sidearms or billy clubs or anything like that?

9 A No, sir.

10 Q Did you have an OC spray?

11 A Yes, sir.

12 Q Was that your only method of control --

13 A OC spray was the only thing we had. Yes,  
14 sir. Until we got the tasers.

15 Q All right. We're talking on top of each  
16 other. And that's my fault, too. So I'll try to --  
17 let me finish my question, even though you anticipate  
18 it. And I'll be patient and let you answer completely;  
19 okay?

20 A I'm sorry.

21 Q There's, I guess, a good bit of times at  
22 the jail when you're dealing with people -- this is the  
23 question. Now, if you have intoxicated people come in  
24 at night, are they sometimes uncooperative or unruly?

25 A Quite often.

McBay, Al-Khidhr & Seal v. Harrison County, Mississippi, by and through its Board of Supervisors, et al  
Videotaped deposition of: Morgan Lee Thompson August 14, 2009

Page 25

1 the cell until they do want to comply.

2 Q The earlier question I asked you, I was  
3 quoting verbatim from the DOJ attorney when he stated,  
4 "The report suggested that if inmates had been more  
5 compliant, the defendants would not have had to assault  
6 them." The word "assault" was the DOJ's word.

7 Did you use a continuum of force, or did  
8 you really think it was an assault if you had to use  
9 force to restrain or control an inmate or detainee?

10 A I don't believe it was --

11 MR. BUCHANAN: Object to the form.

12

13 BY MR. GEWIN:

14 Q You may answer.

15 A I don't believe it was assault. Like I  
16 said, the way they came up with their numbers, anytime  
17 there was any kind of physical conflict between an  
18 inmate and an officer, the DOJ would call it an  
19 assault.

20 Q You've had training, I assume, when you  
21 were a deputy.

22 A Yes, sir.

23 Q Could you kind of tell us -- I don't want  
24 dates and times -- but generally what kind of training  
25 you went through --

COPY

1.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

GARY BRICE McBAY,  
Plaintiff,

VERSUS CIVIL ACTION NO: 1:07cv1205LG-RHW

HARRISON COUNTY, MISSISSIPPI,  
by and through its Board of  
Supervisors; HARRISON COUNTY  
SHERIFF, George Payne, in his  
official capacity; CORRECTIONS  
OFFICER MORGAN THOMPSON,  
acting under color of state law,  
Defendants.

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DEPOSITION OF REGINA L. RHODES

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Taken at the offices of Brown Buchanan,  
P.A., 796 Vieux Marche' Mall, Suite 1,  
Biloxi, Mississippi, on Thursday,  
September 17, 2009, beginning at 2:22  
p.m.

APPEARANCES:

PATRICK R. BUCHANAN, ESQUIRE  
MARK V. WATTS, ESQUIRE  
Brown Buchanan, P.A.  
796 Vieux Marche' Mall, Suite 1  
Biloxi, Mississippi 39530  
ATTORNEYS FOR PLAINTIFF

JOE C. GEWIN, ESQUIRE  
Dukes, Dukes, Keating & Faneca, P.A.  
2909 13th Street, Sixth Floor  
Gulfport, Mississippi 39501  
ATTORNEY FOR GEORGE PAYNE, JR.

1 Q. So it was just kind of a risk you took  
2 working in booking; is that right?

3 A. It wasn't explained to me as that way.

4 Q. How was it explained to you?

5 A. That we were going to work in booking.

6 Q. If Jessie Lee Williams hadn't have been  
7 beat to death that night, do you think you would  
8 have gone to prison at all?

9 A. No, sir.

10 Q. There wasn't any real conspiracy, was  
11 there?

12 A. Conspiracy as in everybody wrote false  
13 reports, yes, they did.

14 Q. But not to murder somebody?

15 A. I don't believe there was a conspiracy  
16 to murder somebody.

17 Q. You testified at your trial that you  
18 didn't record these conversations except as to  
19 protect yourself if someone said something to the  
20 contrary; is that right?

21 A. Yes, sir.

22 Q. So your testimony today is that you did  
23 not tape-record these deputies, booking deputies  
24 that called you except as for future reference,  
25 that you were not trying to lower your own prison